

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Harlene Miller, CA SBN 146651 PAGTER AND MILLER 525 N. Cabrillo Park Drive, Suite 104 Santa Ana, CA 92701</p> <p>Telephone: (714) 541-6072 Facsimile: (714) 541-6897 Email: harlene@pagterandmiller.com</p> <p><input checked="" type="checkbox"/> Attorney for Debtor(s) <input type="checkbox"/> Debtor(s) appearing without attorney</p>		<p>FOR COURT USE ONLY</p> <div style="border: 1px solid black; padding: 10px; text-align: center;"><p>FILED & ENTERED</p><p>AUG 08 2013</p><p>CLERK U.S. BANKRUPTCY COURT Central District of California BY mccall DEPUTY CLERK</p></div> <p>CHANGES MADE BY COURT</p>	
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION</p>			
<p>In re:</p> <p>JOSEPH ANTHONY BARBARA</p>		<p>CASE NO.: 8:13-bk-10664-CB</p> <p>CHAPTER: 7</p>	
		<p>ORDER ON MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)</p>	
		<p><u>CONTINUED HEARING</u></p> <p>Date: August 27, 2013</p> <p>Time: 1:30 p.m.</p> <p>Place: Courtroom 5D</p>	
<p>Debtor(s).</p>			

Creditor Name: JOSEPH GOVEIA
(Insert name of creditor holding lien to be avoided)

Pursuant to 11 U.S.C. § 522(f) and LBR 9013-1(o), Debtor(s) moved to avoid a judicial lien on real property claimed to be exempt. THE COURT FINDS AND ORDERS AS FOLLOWS:

1. Notice of this motion complied with LBR 9013-1(o).
2. **Hearing Information:**
- a. ☐ No hearing is required: Debtor(s) has filed a declaration (F 9013-1.2.NO.HEARING.DEC) stating that no opposition was timely received.
- b. ☒ A timely objection was received and a hearing was held as follows:
- (1) Date: **July 30, 2013** (2) Time: **1:30 p.m.** (3) Courtroom: **5D** (4) Judge: **Catherine E. Bauer**
- (5) The matter was ☒ Contested ☐ Uncontested ☒ Settled by Stipulation ☐ Not Prosecuted
- (Stipulation filed as
Docket #35)
- (6) ☐ Debtor(s) present in court (Name): _____
- (7) ☒ Attorney for Debtor(s) present in court (Name): Harlene Miller

(8) ☒ Attorney for Lienholder present in court (Name): Francis T. Donohue III

(9) ☐ Other parties present as reflected in the court record

3. The real property to which this Order applies is as follows:

a. Street Address (specify): 132 Dolphin Ave., Seal Beach, CA 90740

b. Legal Description (specify): Lot 4, Block B of Tract No. 1 in the city of Seal Beach, County of Orange, State of California, as per map recorded in Book 9, Page 1 of Miscellaneous Maps, in the office of the County Recorder of Said County.

4. Recording information regarding lien to be avoided:

a. Date of recordation of lien (specify): May 3, 2012

b. Recorder's instrument number or map/book/page number (specify): 2012000256073

5. ☐ Motion granted:

a. ☐ The judicial lien sought to be avoided impairs an exemption to which Debtor(s) would otherwise be entitled under 11 U.S.C. § 522(d)

b. ☐ The judicial lien is hereby declared void and unenforceable, based upon stipulated settlement:

(1) ☐ In its entirety

(2) ☐ In the following amount only: \$ _____. The amount of \$ _____ remains a valid and enforceable lien against the property.

6. ☐ Motion denied on the following grounds: ☐ With prejudice ☐ Without prejudice

a. ☐ Insufficient notice

b. ☐ Insufficient evidence of the exempt status of the property in question

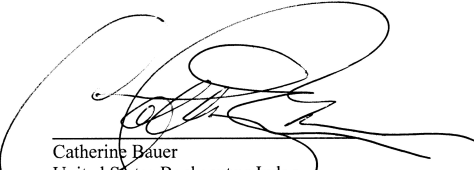
c. ☐ Other (specify): _____

7. ☐ The court further orders as follows (specify):

☐ See Attached Page

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Date: August 8, 2013


Catherine Bauer
United States Bankruptcy Judge

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled: **ORDER ON MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)** was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner stated below:

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of (date) **August 8, 2013**, the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below.

- Patti H Bass ecf@bass-associates.com
- Francis T Donohue ftd@vctlaw.com, dyolken@vctlaw.com
- Harlene Miller harlene@pagterandmiller.com, pandm@pagterandmiller.com
- Karen S Naylor (TR) acanzone@burd-naylor.com, knaylor@ecf.epiqsystems.com
- Karen S Naylor (TR) acanzone@burd-naylor.com, knaylor@ecf.epiqsystems.com
- United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
- Gilbert B Weisman notices@becket-lee.com

☐ Service information continued on attached page

2. SERVED BY THE COURT VIA UNITED STATES MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the following persons and/or entities at the addresses stated below:

Joseph Barbara
132 Dolphin Avenue
Seal Beach, CA 90740

☐ Service information continued on attached page

3. TO BE SERVED BY THE LODGING PARTY: Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by United States mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following persons and/or entities at the addresses, facsimile transmission numbers, and/or email addresses stated below:

☐ Service information continued on attached page